

REMARKS

Upon entry of this Amendment, claims 34 through 43 are pending. Claims 1-33 are cancelled. New claims 34 through 43 are presented. No new matter is submitted.

Claims 1, 2, 7, 8, 14, 17, 18, 21-26 and 28-32 stand rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Claims 1-7, 9-12, 14, 15, 17-24, 26, 27 and 31-33 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. Pub. No. 2002/0065747 A1 to *Nagano*. Claims 28-30 stand rejected under 35 U.S.C. §103(a) as obvious in view of *Nagano*. Claims 8, 13, 16 and 25 stand rejected under 35 U.S.C. §103(a) as obvious in view of *Nagano* and U.S. Pat. Pub. 2003/0051255 A1 to *Bulman*.

A substitute specification is filed to add paragraph numbering and to remove underscoring of text such as web site addresses and words appearing in a glossary. Other typographical and minor grammatical errors were also corrected. No new matter is submitted.

Rejection Under §101

The pending claims present patentable subject matter because each independent pending claim recites at least one concrete tangible result.

Rejection Under §102 and §103

No prior art of record teaches expressly or by implication all of the limitations of each of the pending independent claims. None of the art of record teaches or suggests the combination of limitations recited in each of the independent claims. Differences between the art of record including *Nagano* and *Bulman* and the claimed invention include, *inter alia*, at least the following alone and in combination with other limitations:

1. Providing an access code to a member for distribution by the member;
2. Providing a report to a member describing portions of payments paid to the beneficiary designated by the member; and
3. Designating distribution of a portion of a second payment to the first member for referral

Several of the limitations of the pending claims are absent from a combination of *Nagano* and *Bulman*. There is no functional correspondence between the structures described by *Nagano*

and several of the limitations of the pending claims. In rejecting the claims now cancelled, the Examiner cited *Nagano* paragraph 61 for showing “issuing an identifier . . . to the entity for access to the created photo album.” Applicant notes that the Examiner mischaracterized *Nagano*. Such access permits the creator to access a work, as opposed to permitting a customer to access the work. The pending claims recite this feature in slightly different words. Nevertheless, *Nagano* does not teach customer access as claimed. In *Nagano* client access is taught without mention or inference of “providing exclusively to the firsts member an access code; communicating via the network with a customer host provided the access code” as claimed.

When any one limitation is wholly absent from the combination of references cited by the Examiner, a *prima facia* case for rejection for obviousness has not been made and the rejection cannot stand.

The claimed invention has beneficial results not possible from the prior art taken separately or in any combination. Systems and methods of the present invention as claimed promote economies of scale and more efficient advertising than systems of the prior art including *Nagano* and *Bulman*. By providing the access code exclusively to the first member (e.g., a fund raising entity), the fund raising entity can focus distribution of the access code to particular groups (i.e., target a group of prospective customers) at lower cost and with incentives. Reporting the effectiveness of fund raising to the fund raising entity in combination with exclusive provision of the access code provides feedback for further improving targeted distribution of the access code. By including a mechanism rewarding referral business, the number of members using a system may increase more rapidly. An increased number of users decreases the costs to each member associated with managing the server. In other words, systems of the present invention as claimed provide each fund raising entity (e.g., member) cost control and opportunity for increased income that is not designated to a beneficiary but is available to defray costs borne by the fund raising entity (e.g., costs to distribute access codes).

Conclusion

Reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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